

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE NATURAL RESOURCES COMMITTEE**

**Date:** Monday, February 2, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** 472

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 270, HB 275, ~~HB 263~~

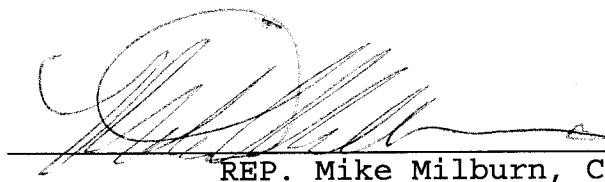
HB 285 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMENTS:**

  
\_\_\_\_\_  
REP. Mike Milburn, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**Natural Resources Committee**

DATE: 2/2/2009

| <u>NAME</u>                           | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|---------------------------------------|----------------|----------------------------|
| Vice Chair Gordon Hendrick            | ✓              | HA                         |
| Vice Chair JP Pomnichowski            | ✓              |                            |
| Rep. Kendall Van Dyk                  | ✓              |                            |
| Rep. Michele Reinhart                 | ✓              |                            |
| Rep. Scott Mendenhall <i>arr 3:12</i> | ✓              |                            |
| Rep. Mike Miller                      | ✓              |                            |
| Rep. Betsy Hands <i>arr 3:14</i>      | ✓              |                            |
| Rep. Brian Hoven                      | ✓              |                            |
| Rep. Anders Blewett                   | ✓              |                            |
| Rep. Tom McGillvray                   | ✓              |                            |
| Rep. Jill Cohenour                    | ✓              |                            |
| Rep. Gerald Bennett                   | ✓              |                            |
| Rep. Sue Dickenson                    | ✓              |                            |
| Rep. Tony Belcourt <i>arr 3:02</i>    | ✓              |                            |
| Rep. Chas Vincent <i>arr 3:05</i>     | ✓              |                            |
| Rep. Wendy Warburton                  | ✓              |                            |
| Rep. Mike Menahan                     | ✓              |                            |
| Chairman Mike Milburn                 | ✓              |                            |

**MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER**

**Natural Resources**

**Date** 2/2/09

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

| Name and Address  | Representing             | Bill No. | Support | Oppose | Inf. |
|-------------------|--------------------------|----------|---------|--------|------|
| Joe Gutkoski Res. | Montana Rivers           | 275      | ✓       |        | ✓    |
| John Youngberg    | NRCS                     | 275      |         | ✓      |      |
| Mike Murphy       | MWRA                     | 275      |         | X      |      |
| Krista Evans      | AGAI + Sr. Wtr. Rt. Coal | 275      |         | X      |      |
| John A. ...       | ...                      | 275      |         | ✓      |      |
| Rick Hill         | MBIA                     | 275      |         | X      |      |
| Rick Hill         | MBIA                     | 270      |         | X      |      |
| Ben Lamb          | MT Wildlife Fed          | 270      | X       |        |      |
| Don Tubbs         | DWUE                     | 270/275  |         |        | ✓    |
| LINDA STOLL       | MT Assn of Planners      | 270      | ✓       |        |      |
|                   | MISSOULA COUNTY          |          |         |        |      |
| LINDA STOLL       | MISSOULA COUNTY          | 265      | ✓       |        |      |
| John Exline       | GAVE                     | 265      | ✓       |        |      |
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER**

**Natural Resources**

**Date** 2/2/09

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

| <b>Name and Address</b> | <b>Representing</b> | <b>Bill No.</b> | <b>Support</b> | <b>Oppose</b> | <b>Inf.</b> |
|-------------------------|---------------------|-----------------|----------------|---------------|-------------|
| Steve Kell/24/11        | MT DEU              | 725             | ✓              |               |             |
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**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

OFFICE OF THE GOVERNOR  
BUDGET AND PROGRAM PLANNING  
STATE OF MONTANA

EXHIBIT A #6  
DATE 2/2/09  
HB 275

BRIAN SCHWEITZER  
GOVERNOR



CAPITOL BUILDING - P.O. Box 200802  
HELENA, MONTANA 59620-0802

MEMORANDUM

To: Representative Hamilton  
Representative Milburn, Chair  
Members of the Natural Resources Committee

From: David Ewer, Budget Director

Re: Opposition to HB 275, Emergency streamflow for fisheries

Date: January 2, 2009

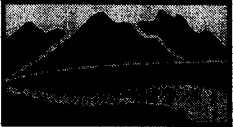
Dear Representative Hamilton and members of the committee: Given budget constraints, I respectfully go on record as opposing HB 275 for fiscal reasons. My opposition is not based on any intrinsic merits of HB 275.

The Executive Budget currently has a structural surplus, however, unlike the 2007 Session, which had over \$80 million in projected revenues over the Administration's ongoing general fund expenditure proposals, the current budget is very tight. While the Administration insisted on a spending cap to preserve the structural surplus of \$80 million, the modification or rejections of some Administration proposals created substantial fiscal 'space' for other legislative priorities.

The Schweitzer Administration fully understands and respects the legislative process and a legislator's prerogative to achieve any legislation he or she so desires. Given that it is very early in the 2009 session and this bill's hearing date, it is certain that the legislature will take later action that will either free up or additionally constrain budget capacity. But again, the importance of maintaining a basic level of public safety, health, and education service levels require this opposition.

This letter is intended to benefit, not impede communications. I am eager for any feed back as to how we can maximize effective communications.

CLARK FORK



COALITION

Additional Exhibit  
M

EXHIBIT

DATE 2/2/09

HB 275

House Natural Resources Committee, Representatives:

Milburn, Mike (Chair)  
Hendrick, Gordon (Vice Chair)  
Pomnichowski, JP (Vice Chair)

Belcourt, Tony  
Bennett, Gerald  
Blewett, Anders  
Cohenour, Jill  
Dickenson, Sue  
Hands, Betsy  
Hoven, Brian  
McGillvray, Tom  
Menahan, Mike  
Mendenhall, Scott  
Miller, Mike  
Reinhart, Michele  
Van Dyk, Kendall  
Vincent, Chas  
Warburton, Wendy  
cc: Joe Kolman, Staff

February 2, 2009

Re: HB 275

Dear Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 275. **The Clark Fork Coalition supports the idea behind HB 275** because it will maintain and restore vital streamflows in Montana's celebrated rivers.

**A river isn't much of a river without flowing water.** Unfortunately, Montana Fish Wildlife and Parks has identified **over 4,000 miles of chronically or periodically dewatered streams in our state**, where many years there's not enough water to sustain fish populations. We understand the challenges of effectively allocating and protecting the many important water uses in Montana, and hope that amidst these many uses a compromise can be found to improve streamflows in our rivers.

HB 275 will allow the State to better protect our water resources by implementing **minimum emergency flows on threatened rivers— our ribbons of life**. We believe this is the state's responsibility, since all waters are held in public trust for the use and benefit of all Montanans. Without water in our rivers and streams, our communities, recreation economy, and our fish and wildlife all suffer.

The Clark Fork Coalition is comprised of 1,500 members dedicated to protecting and restoring the Clark Fork River watershed. Thank you for your time and dedication to Montana's natural resources. Please feel free to contact us with any questions or concerns.

Sincerely,

Brianna Randall  
Water Policy Director

PO Box 7593  
Missoula, MT 59807  
406/542-0539 Phone  
406/542-5632 Fax